

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILSON P. RICHARD,

Plaintiff,

v.

FINANCE OF AMERICA
MORTGAGES, LLC, et al.,

Defendants.

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3:18-CV-559
(JUDGE MARIANI)

ORDER

AND NOW, THIS 7th DAY OF MAY, 2019, upon *de novo* review of Magistrate

Judge Carlson's Report and Recommendation ("R&R") (Doc. 78), and for the reasons

stated in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff Objections (Doc. 82) are **OVERRULED**.
2. The R&R (Doc. 78) is **ADOPTED** as follows:
 - a. The Court **ADOPTS** the R&R's recommendation that Defendant QBE Insurance Corporation's ("QBE's") motion to dismiss (Doc. 75) be granted with leave to amend with respect to Plaintiff's claim against QBE.
 - b. The Court also **ADOPTS** the R&R's recommendation that Defendant Great American Assurance Company's ("Great American's") motion to dismiss (Doc. 44) be granted with prejudice with respect to Plaintiff's claims against Great American.

3. Defendant QBE's motion to dismiss for failure to state a claim (Doc. 75) is **GRANTED**, and Plaintiff's claim against QBE is **DISMISSED WITHOUT PREJUDICE**. Defendant QBE's previous motion to dismiss (Doc. 47) is **DENIED AS MOOT**.
4. Defendant Great American's motion to dismiss for failure to state a claim (Doc. 44) is **GRANTED**, and Plaintiff's claims against Great American are **DISMISSED WITH PREJUDICE**.
5. Plaintiff is granted leave to amend his Complaint **within twenty-eight (28) days from the date of this Order** to set forth proper claims for breach of contract against QBE. Failure to amend the Complaint with respect to Plaintiff's claim against QBE may result in dismissal of this action with prejudice with respect to QBE.
6. As this case was previously referred to Magistrate Judge Carlson "for the purpose of conducting all pre-trial proceedings and issuing rulings or Reports and Recommendations on all pre-trial motions, in accordance with 28 U.S.C. § 636(b)," (Doc. 66), this case is **REMANDED** to Magistrate Judge Carlson for further proceedings.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge